## COURT OF CHANCERY OF THE STATE OF DELAWARE

KIM E. AYVAZIAN MASTER IN CHANCERY CHANCERY COURTHOUSE
34 The Circle
GEORGETOWN, DELAWARE 19947
AND
NEW CASTLE COUNTY COURTHOUSE
500 NORTH KING STREET, SUITE 11400
WILMINGTON, DELAWARE 19980-3734

July 9, 2012

Dennis Scott 2040 Rowland Ave Apt. 301 Grand Rapids, MI 49546 Dinah Britt 973 Paradise Lake SE Grand Rapids, MI 49546

James P. Sharp, Esq. Moore & Rutt, PA 122 W Market Street Georgetown, DE 19947

RE: Cecil W. Scott v. Roland E. Scott, C.A. No. 6604-MA

Dear Parties and Mr. Scott:

On April 4, 2012, Dennis Scott filed a *pro se* "Motion for Permissive Joinder of Plaintiff Party" in this action. After reviewing the parties responses to the motion, Informed the parties and Dennis Scott by letter dated May 18, 2012, that I would consider the motion for permissive joinder as a motion to intervene in the above action under Court of Chancery Rule 24(a)(2), provided Dennis Scott serve and file an appropriate pleading setting forth his claims for which intervention was sought on or before June 7, 2012. On June 5, 2012, Dennis Scott filed a "Motion to Intervene," which he served on the parties and other members of his family.

In his latest motion, Dennis Scott alleges that the family wants him to intervene in this case "because he is a paralegal and he can provide adequate representation and will give the

<sup>&</sup>lt;sup>1</sup> DI 13.

<sup>&</sup>lt;sup>2</sup> Plaintiff Cecil Scott, by and through his Limited Guardian of the Property, Dinah Britt, responded to Dennis Scott's Motion for Permissive Joinder by requesting that the Court permit Dennis Scott to join as a party plaintiff. DI 17. Defendant Roland Scott objected to the request for permissive joinder, arguing

family the best chance of prevailing with low cost to the family and Cecil Scott's accounts."<sup>3</sup> He alleges that Defendant and his attorney are afraid of Dennis Scott having the opportunity to argue the merits of this case and would prefer for Dinah Britt, the guardian of the property for the limited purpose of pursuing claims to set aside certain 1996 transfers of real property from the disabled person to Defendant, "to <u>pay</u> for a lawyer or argue the merits of the case on her own, which she is not qualified to do."<sup>4</sup> Finally, he alleges that "as long as Cecil Scott was the owner of the property in Slaughter Neck he would not have sought to get the house back. All Dennis Scott wants is for the house to be back in the name of his disabled brother Cecil Scott … [and] this action … to be adequately represented." <sup>5</sup>

Dennis Scott has failed to file and serve a pleading setting forth any claims he might have to one of the two properties at issue in the above civil action. Dennis Scott instead seeks to intervene in order to represent his disabled brother Cecil Scott's interests in the two properties. Dennis Scott had previously been appointed by the Court to serve as co-guardian of the property of Cecil Scott along with Dinah Britt for the limited purpose of pursuing claims to set aside the 1996 transfers of Cecil Scott's two properties to Roland Scott.<sup>6</sup> The Court later removed Dennis Scott as co-guardian upon learning of Dennis Scott's criminal history.<sup>7</sup> Thereafter, Dennis Scott attempted to join in the initial complaint filed by Dinah Britt on Cecil Scott's behalf on June 23,

that it was an attempt to circumvent the Court's previously rulings by representing Cecil Scott. Defendant's Answer to Motion for Permissive Joinder of Plaintiff Party. DI 15.

<sup>&</sup>lt;sup>3</sup> Motion to Intervene at ¶ 4. DI 18.

<sup>&</sup>lt;sup>4</sup> *Id.* at ¶ 17.

<sup>&</sup>lt;sup>5</sup> *Id.* at ¶ 19.

<sup>&</sup>lt;sup>6</sup> Stipulation and Order dated March 22, 2011, IMO Cecil Scott, disabled person, C.M. No. 14627-S.

<sup>&</sup>lt;sup>7</sup> Stipulation and Order dated April 6, 2011, *IMO Cecil Scott, disabled person*, C.M. No. 14627-S.

2011,<sup>8</sup> until November 9, 2011, when the Court ordered that the caption in this case be changed to reflect its current caption.<sup>9</sup>

Dennis Scott's previous attempts to represent Cecil Scott as a fiduciary have been denied by the Court, and I am bound by those rulings. In his Motion to Intervene, Dennis Scott indicates that he is no longer pursuing any personal claim he might have had in one of the two parcels of land that the disabled person conveyed to Defendant in 1996. Since Dennis Scott has now waived his claim relating to one of the two properties which is a subject of this action, there is no basis for me to grant his motion under Rule 24(a)(2). Therefore, I am recommending in this draft report that Dennis Scott's *pro se* Motion to Intervene should be denied.

Very Truly Yours,

Kim E. Ayvazian

KEA/kekz

<sup>&</sup>lt;sup>8</sup> DI 1.

<sup>&</sup>lt;sup>9</sup> DI 9.